

# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

NCS MULTISTAGE INC.,

Plaintiff,

v.

NINE ENERGY SERVICE, INC.,

Defendant.

CIVIL ACTION NO. 6:20-CV-00277

**JURY TRIAL DEMANDED**

**DECLARATION OF ANITA KERIN**

I, Anita Kerin, do hereby declare and state as follows:

1. My date of birth is February 8, 1979.
2. I am a resident of Houston, Texas.
3. I maintain my office at 2001 Kirby Drive Suite 200, Houston, Texas 77019.
4. I am Assistant General Counsel at Nine Energy Service, Inc (“Nine”).
5. I have personal knowledge of the matters set forth in this declaration, and if called upon as a witness, I could and would testify competently. I submit this declaration in support of Nine’s Motion to Transfer Venue.
6. Nine is a completions company that targets unconventional oil and gas resource development across all North American basins and abroad.
7. Nine is a corporation organized under the laws of Delaware and its worldwide headquarters is located at 2001 Kirby Drive Suite 200, Houston, Texas 77019.
8. Nine has approximately 672 employees, approximately 36 of which are located in the Houston headquarters. Many of these employees are senior employees and officers of the company, including the Chief Executive, Finance, and Accounting Officers, the General Counsel,

HR Director, and Nine's tax and accounting employees. Additionally, Nine employs approximately 44 employees in Corpus Christi, Texas.

9. I understand that NCS Multistage, Inc. has accused the BreakThru™ Casing Flotation Device (the "BreakThru™ Device") of infringing its patent.

10. All technical, sales, and financial information related to the BreakThru™ Device are available at Nine's headquarters in Houston, Texas, or at Nine's Norwegian offices.

11. Nine maintains facilities in Midland, TX at 12914 W. Co. Road 91, Midland TX 79707; 551 State Street, Midland, TX 79703; and 9319 W. IH-20, Midland, TX 79706. Nine maintains facilities in Monahans, TX at 1101 South Loop Road 464, Monahans, TX. Nine maintains facilities in Pleasanton, TX, at 496 Shale Road, Pleasanton, TX 78064.

12. Nine's facilities in Monahans and Pleasanton do not manufacture, sell, or distribute the BreakThru™ Device, and therefore likely do not have any documentary or physical evidence.

13. Nine has approximately 102 employees in its Midland facilities, none of which are senior engineering or technical employees involved with the BreakThru™ Device. Most of the Nine employees in Midland are associated with field operations related to our wireline and cementing businesses, which are not at issue in this case.

14. There is not, to my knowledge, substantial evidence related to the manufacture, use, and sale of the BreakThru™ Device in the Midland office that is not equally available at Nine's corporate headquarters in Houston.

15. The senior technical and engineering staff for the BreakThru™ Devices are at Nine's Norwegian facilities, located at Elvavagen 1 Innang, 1A 5265 Ytre Arna, near Bergen, Norway.

16. The Texas regional sales manager and controller responsible for the BreakThru™ Devices are based in Houston, TX and Corpus Christi, TX respectively.

17. The Texas market is approximately 22% of BreakThru™ Devices sold. The other 78% are sold outside of Texas, mostly in the northeastern United States and Canada.

18. For the Texas market, components of the BreakThru™ Devices are manufactured at Nine's Norwegian facilities, by OFS International LLC ("OFS"), a non-party, in Houston, Texas, and at Nine's facilities in Corpus Christi, TX. OFS's manufacturing facility located at 7735 Miller Road, Houston, TX 77049. Nine's facility in Corpus Christi is located at 5655 Bear Lane, Suite 100, Corpus Christi, Texas 78505.

19. Components for BreakThru™ Devices for other markets are manufactured at Nine's facilities in Marietta, OH and Red Deer, AB.

20. Nine sells the BreakThru™ Device to customers in the Southern District of Texas. About 47% of our customers have their corporate headquarters in Houston.

21. Nine has identified several employees that may be called at trial that live in Houston or frequently travel to the Nine headquarters in Houston. None reside in the Western District of Texas. They include:

<b>Name</b>	<b>Title</b>	<b>Role</b>	<b>Residence</b>
Don McLean	Regional Sales Manager	Texas Sales Manager for BreakThru™ Device	Houston, TX
Stephanie Sloma	Completion Tools Controller	Controller for BreakThru™ Device	Corpus Christi, TX
Viggo Brandsdal	Principal Engineer, Nine Norway	Inventor of the BreakThru™ Device	Bergen, NO
Geir Valestrand	Senior Engineer, Nine Norway	Inventor of the BreakThru™ Device	Bergen, NO
Nick Pottmeyer	President, Completion Tools	President of business unit that operates the BreakThru™ Device	Marietta, OH

22. Nine's senior employees, including those listed above, who do not reside in Houston frequently travel to Nine Energy's headquarters in Houston.

23. Nine does not maintain any facilities in the Waco Division of the Western District of Texas.

24. None of Nine's senior employees or officers reside in the Western District of Texas.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Harris County, State of Texas, on the 31th day of July, 2020.



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Anita Kerin  
Nine Energy Service, Inc.  
2001 Kirby Drive Suite 200  
Houston, Texas 77019